

Application No. 10/811,168
Filed: March 26, 2004
TC Art Unit: 3677
Confirmation No.: 1995

REMARKS

In the most recent Office Action, claims 1-3, 6 and 8-23 were pending. Claims 2, 6, 11 and 14 are withdrawn from consideration. Claims 1, 3, 8-10, 13, 15-19 and 21-23 are rejected. Claims 12 and 20 are objected to.

In response, claims 1, 8 and 17-23 are amended. No new matter is added.

Applicant thanks Examiner for the thorough search and consideration of the invention recited in the pending claims, and responds to the comments in the Office Action as follows.

Election/Restrictions

The Office Action states that the election of species III in the reply filed 26 August, 2005 is acknowledged. The Office Action also states that Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement. The Office Action states that the election has been treated as an election without traverse.

In response, Applicant refers to paragraph 2 of the Office Action dated April 26, 2005, in which it is stated that the provisional election was made with traverse to prosecute the invention of species III. Furthermore, in the most recent

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response dated August 26, 2005, on page 14, Applicant confirms election of species III with traverse. Applicant specifically points out in that prior response that a search on the elected species should cover all species embodiments. Applicant also stated in the same paragraph that the search and consideration of all species, and the claims directed to all the species, should not place an additional burden on the examination process. These assertions are in response to the restriction requirement to show that there is no serious burden on the Examiner if restriction is not required. See MPEP § 808.01(a) ¶1. There has been no explanation provided in the record of the present application regarding patentable differences between the species or distinctness or independence of inventions regarding the pending claims. In addition, the Examiner has not explained why there would be a serious burden on the Examiner if restriction is not required. MPEP § 808.02 ¶2. Nevertheless, Applicant has stated specifically that there should not be an additional burden on the Examiner in the examination process, and why no reasons exist for dividing among inventions. MPEP § 808.02(c). Applicant therefore respectfully requests that the election of species III for prosecution be treated as an election with traverse. In addition, Applicant respectfully requests that the restriction requirement

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be reconsidered and be withdrawn for the all the reasons cited above.

The Office Action also states that claims 2, 6, 11 and 14 are withdrawn from further consideration as being drawn to a non-elected species with no allowable generic or linking claim. The Office Action also states that election was made without traverse in the reply filed on 26 August, 2005.

As discussed above, Applicant respectfully submits that the election of species III for prosecution should be considered to be made with traverse. In addition, in the Office Action dated 26 April, 2005, and in the subsequent response dated 26 August, 2005, claims 1 and 8 are acknowledged as generic. Accordingly, if generic claims are found allowable, Applicant respectfully requests the opportunity to be afforded the chance of rejoinder of non-elected claims. Applicant respectfully requests that the claims withdrawn from consideration be maintained in the application in the event of the allowance of a generic claims.

Claim Objections

The Office Action states that claims 17 and 19-23 are objected to for informalities including insufficient antecedent basis. Applicant has amended the claims to overcome the objection

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and respectfully requests that the objection be reconsidered and withdrawn.

Claim Rejections - 35 U.S.C. § 102

The Office Action states that claims 8-10, 13, 17-19 and 21 are rejected under U.S.C. § 102(b) as being anticipated by Japanese patent document 2001-61514 (JP '514). In particular, the Office Action states that JP '514 teaches each and every element recited in the rejected claims. The rejection is respectfully traversed.

JP '514 appears to show a buckle with a security latch that is disengaged with the use of a separate key. The key is used to pry up the latch toward an outward direction in relation to the buckle to permit the counterpart to the latch to be free. The invention recited in claims 8-10, 13, 17-19 and 21, as amended, all call for a disengagement device that is operative to disengage cooperative engagement parts with an inwardly directed force relative to the buckle numbers, in addition to other recitations not found in JP '514. Because the cited prior art reference of JP '514 does not teach all of the claim limitations of the rejection claims, Applicant submits that the rejection is overcome. Accordingly, Applicant respectfully requests that the rejection of

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claims 8-10, 13, 17-19 and 21 under 35 U.S.C. § 102(b) as anticipated by JP '514 be reconsidered and withdrawn.

The Office Action states that claims 1, 3, 8-10, 13, 15-19 and 21-23 are rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent Document 408-84610 (JP '610). In particular, the Office Action states that JP '610 teaches each and every element recited in the rejected claims. Applicant respectfully traverses the rejection.

The disclosure of JP '610 apparently shows a buckle that is uncoupled by further inserting a plug into a socket to activate a disengagement mechanism. The disengagement mechanism provides for a block that displaces a pawl so that the latch mechanism is disengaged. The disengagement mechanism shown in JP '610 apparently operates based on internal mechanisms that permit the block to slide under the pawl to displace the pawl. Accordingly, the disengagement mechanism appears to be on the plug itself.

Claims 1 and 3 of the present invention call for the disengagement device to be located on the socket to disengage the latch and the catch when the disengagement device is actuated. Accordingly, claims 1 and 3 recite limitations that are not taught in the cited prior art reference of JP '610.

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Claims 8-10, 13, 15-19 and 21-23 recite an externally accessible disengagement device that operates with an inwardly directed force to disengage cooperative engagement parts. The disengagement device shown in JP '610 does not appear to be externally accessible, and operates only with an actuation supplied through the plug portion of the buckle. Accordingly, the cited prior art reference of JP '610 fails to teach all the claim limitations of claims 8-10, 13, 15-19 and 21-23.

Because the cited prior art reference fails to teach a number of limitations in the rejected claims, Applicant respectfully submits that the rejection of those claims under 35 U.S.C. § 102(b) is overcome. Accordingly, Applicant respectfully requests that the rejection of claims 1, 3, 8-10, 13, 15-19 and 21-23 under 35 U.S.C. § 102(b) as anticipated by JP '610 be reconsidered and withdrawn.

Application Status

The Office Action summary indicates that the Office Action dated November 22, 2005 is final. However, there is no indication in the Office Action that claims have been finally rejected. Accordingly, Applicant respectfully requests that any rejected claims in the present application be considered as non-finally rejected.

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In support of the request, Applicant respectfully submits that the cited prior art references applied in the Office Action dated November 22, 2005 could have been cited or applied for the same reasons provided in the Office Action dated April 26, 2005. That is, there is no reason why the presently cited and applied references of JP '514 and JP '610 should not have been cited or applied in a first Office Action. Applicant submits that the present claim rejections, if considered final, produce a premature final rejection. That is, the claim rejections in the Office Action dated November 22, 2005 are neither necessitated by Applicant's amendment of the claims nor based on information submitted in an Information Disclosure Statement. MPEP § 706.07(a)-(e). Accordingly, Applicant respectfully requests that the present responsive amendment be entered in the record and considered on the merits as placing the Application in better condition for allowance.

Applicant further notes that claims 2, 6, 11 and 14 are pending in the Applicant while being withdrawn from consideration, pending reconsideration of the restriction requirement by the Examiner. Applicant respectfully requests that claims 2, 6, 11 and 14 be rejoined in the Application and allowed as being dependent upon base claims that are considered generic. As noted

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above, Applicant should be entitled to a reasonable number of species.

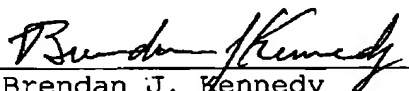
Applicant also notes that claims 12 and 20 should be allowable as depending upon allowable base claims.

Conclusion

In view of the above amendments and discussion, Applicant respectfully submits that the present Application is now in condition for allowance, and earnestly solicits notice to that effect. The Examiner is encouraged to contact the undersigned counsel at the number provided below to discuss any matter that may expedite a disposition of the case.

Respectfully submitted,

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